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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

DAVID K.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Real Party in Interest.

F073700

(Super. Ct. No. 10CEJ300111-2)

OPINION

THE COURT*

ORIGINAL PROCEEDING; petition for extraordinary writ review. Mary Dolas,
Judge.

David K., in pro. per., for Petitioner.

No appearance for Respondent.

Daniel C. Cederborg, County Counsel, and Brent C. Woodward, Deputy County
Counsel, for Real Party in Interest.

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* Before Levy, Acting P.J., Detjen, J. and Franson, J.

David K. (father) in propria persona seeks extraordinary writ relief from the juvenile court's orders issued at a contested 12- and 18-month review hearing (Welf. & Inst. Code, §§ 366.21, subd. (f) & 366.22, subd. (a)(1)¹) terminating his reunification services and setting a section 366.26 hearing as to his now five-year-old son David. We deny the petition.

PROCEDURAL AND FACTUAL SUMMARY

In October 2014, the Fresno County Department of Social Services (department) took then three-year-old David into protective custody after his mother, Maria, was arrested for shoplifting with David in her care.² Maria also had a felony warrant. Father was living in Las Vegas. He told a social worker that he knew of Maria's drug use and had been advised to file for custody but had never followed through.

The department filed a dependency petition, alleging that Maria's history of substance abuse, unstable housing, and medical neglect placed David at a substantial risk of harm and that father knew that David was at risk in Maria's care and failed to protect him. The petition also alleged that David's half sister K.M. was removed from Maria's custody in 2010 for similar reasons and that K.M. was placed for adoption after Maria failed to reunify with her. The department placed David with K.M.

The juvenile court ordered David detained and ordered the department to provide father unsupervised visitation no less than twice a week and granted the department discretion to advance to liberal visitation. Father visited David four times in November but then did not contact the department for visitation again until March 2015.

Meanwhile, in February 2015, the juvenile court exercised its dependency jurisdiction over David and ordered reunification services for father and Maria. Father

¹ Statutory references are to the Welfare and Institutions Code.

² Maria did not file a writ petition.

was ordered to complete a parenting program and substance abuse and mental health evaluations and to submit to random drug testing.

In March 2015, father relocated to Fresno. He told the social worker he did not want to visit David or participate in his reunification services. However, in May 2015, he changed his mind and, by the six-month review hearing scheduled for July 2015, he was participating in a parenting class. He also began visiting David in May 2015, but was dropped from the visitation schedule the following month for missing three visits in a row.

The juvenile court conducted the six-month review hearing in August 2015. The court found that father was provided reasonable reunification services and continued them to the 12-month review hearing, which the court scheduled for November 2015. The court terminated Maria's reunification services for noncompliance.

In its report for the 12-month review hearing, the department recommended the juvenile court terminate father's reunification services. The department informed the court that father stopped attending his parenting classes and had not participated in any of his other court-ordered services or visited David since his visits were discontinued in June 2015. In addition, father and Maria were living together and Maria had given birth to their daughter. They would not allow the department, however, access to their home to check on the baby's safety.

The juvenile court scheduled the 12-month review as a contested hearing, combined it with the 18-month review after multiple continuances and conducted the hearing in May 2016. Meanwhile, father completed a parenting class and began weekly unsupervised visits in March 2016. However, he had not participated in any of his other services. In addition, he and Maria were expecting another child and father had no plan in place to care for his children. He and Maria were no longer living together and he was unable to afford housing on his own.

In April 2016, the department filed a report for a combined contested 12 and 18-month review hearing (contested review hearing) and recommended the juvenile court terminate father's reunification services. Father regularly visited David from January through March 2016 and the visits went well. However, David began exhibiting disruptive behavior as a result of the visitation and was confused about who he lived with. His foster mother stated that David told her about his visits with Maria but did not mention father. The department also reported that David was very attached to his sister and his care provider who wanted to adopt him.

At the contested review hearing in May 2016, the juvenile court heard testimony from father and the social worker. The court found it would be detrimental to return David to father's custody, found that father was provided reasonable reunification services, and set a section 366.26 hearing. In ruling, the court stated that father's lack of cooperation and resistance prevented him from progressing to the point at which David could be returned to his custody.

This petition ensued.

DISCUSSION

Father contends the juvenile court erred in finding he was provided reasonable reunification services. He also asserts that the department prepared its dispositional report and discovery late, which prejudiced him; that he was not allowed to cross-examine witnesses; and that the department failed to investigate David's disclosure in March 2016 that his care provider physically abused him. He seeks David's immediate return to his custody.

Unfortunately, father does not support his assertions by citation to the appellate record. Therefore, we cannot specifically address them except to observe that he was represented by counsel throughout these proceedings whose responsibility it was to cross-examine witnesses. Further, even assuming the department filed its dispositional report and any discovery late, father fails to show how he was prejudiced.

As to father's contention he was not provided reasonable services, he does not specify which service or services were unreasonable. Nevertheless, we will construe his petition as challenging the reasonableness of visitation since he claims in essence the department impeded his ability to progress.

The juvenile court ordered unsupervised visitation for father at the inception of these proceedings with the potential to advance to liberal visitation. This order remained in effect for 18 months. However, for his own reasons, father did not regularly visit David until January 2016, over a year later. Until that time, father had demonstrated himself to be uncooperative and noncommittal. Under the circumstances, he cannot fault the department for his failure to move beyond visitation and into a position to resume custody of David. Consequently, we find no error in the juvenile court's finding father was provided reasonable services and in its order terminating his reunification services.

DISPOSITION

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.